

A N E M E R G E N C Y O R D I N A N C E

URGING THE GOVERNOR TO ISSUE A STATEWIDE EXECUTIVE ORDER REQUIRING CITIZENS TO STAY AT HOME, ENACTING CITY-WIDE MEASURES TO ENSURE SOCIAL DISTANCING PRACTICES AT CERTAIN BUSINESSES, AND MATTERS RELATED THERETO

WHEREAS, it is well recognized that SARS-CoV-2 the virus that causes the disease COVID-19 presents a public health concern that requires extraordinary protective measures and vigilance; and

WHEREAS, on March 11, 2020, the World Health Organization declared a world-wide pandemic; and

WHEREAS, on March 13, 2020, the President of the United States has declared a National Emergency for the United States and its territories in an effort to reduce the spread of the virus; and

WHEREAS, on March 13, 2020, the Governor of the State of South Carolina Henry D. McMaster declared a state of emergency for the State of South Carolina; and

WHEREAS, on March 18, 2020, City Council declared a state of emergency for the city of Greenville (“City”); and

WHEREAS, on March 31, 2020, Governor McMaster issued Executive Order No. 2020-17 where he, among other things, closed non-essential businesses and urged businesses to facilitate effective social distancing practices; and

WHEREAS, S.C. Code Ann. § 5-7-250 empowers Council to enact emergency ordinances affecting life, health, safety, or property; and

WHEREAS, COVID-19 is now aggressively spreading across the state with the South Carolina Department of Health and Environmental Control (“SCDHEC”) confirming the localized person-to-person spread of COVID–19 in South Carolina, which indicates a significantly increasing risk of exposure and infection to City residents and creating an extreme public health risk; and

WHEREAS, as of April 1, 2020, the total number of cases in the United States is approximately 203,608 with at least 1,083 cases in the State of South Carolina and 106 cases in Greenville County; and

WHEREAS, the number of cases is growing rapidly and if COVID–19 spreads in the City at a rate comparable to the rate of spread in other countries, the number of persons relying on medical, pharmaceutical, and general cleaning supplies will increase, the private and public sector work force will be negatively impacted by absenteeism, and the demand for medical facilities may exceed locally available resources; and

WHEREAS, it is vitally important that we all work together to decrease the widespread proliferation of COVID-19 among us all now rather than suffer the unfortunate and devastating consequences later; and

WHEREAS, it is imperative that residents and non-residents of this great City remain at a safe distance of at least six (6) feet from others while in public, seek non-emergency medical attention, if

sick, via a telehealth service provider, continue to be vigilant with hand-washing, remain calm, and only purchase necessary supplies for immediate use; and

WHEREAS, taking measures to control outbreaks minimizes the risk to the public, maintains the health and safety of the City's residents, and limits the spread of infection in our communities and within the healthcare delivery system; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City is taking steps to try to protect the citizens and employees of the City from increased risk of exposure; and

WHEREAS, at this crucial time, it is necessary for the City to undertake and coordinate all necessary and reasonable activities for this emergency response, to take all appropriate action required to alleviate the effects of the coronavirus disaster emergency, including action following the guidelines of the Center for Disease Control ("CDC") and the South Carolina Department of Health and Environmental Control ("SCDHEC"), to and in the aid of essential public services, and to take any other lawful emergency response or action deemed necessary to protect the public health, safety and welfare of the City; and

WHEREAS, in order to protect, preserve, and promote the general health, safety and welfare and the peace and order of the community, the City Council deems it absolutely critical for Governor Henry D. McMaster to issue an order requiring all persons within the State of South Carolina to stay at home for a minimum period of fourteen (14) days, unless providing or requiring an essential service, or such other period as may be determined to be appropriate by the South Carolina Department of Health and Environmental Control, as a necessary and immediate step to try and protect the population of the State of South Carolina from a continued and increased risk of exposure; and

WHEREAS, in light of the foregoing, City Council deems it proper and necessary to adopt this emergency ordinance in order to require social distancing practices for businesses operating in the City;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA:

1. City Council hereby respectfully calls upon Governor Henry D. McMaster to issue a mandatory stay at home Executive Order, unless providing or requiring an essential service, for the State of South Carolina for a minimum period of fourteen (14) days, or such other period as may be determined to be appropriate by the Governor or the South Carolina Department of Health and Environmental Control and deemed necessary to protect the public health, safety and welfare of the population of the State of South Carolina.

2. Effective at 10 a.m. on Saturday, April 4, 2020, businesses permitted to operate within the City under Governor McMaster's Executive Order No. 2020-17 must take the following proactive measures to ensure social distancing requirements, where implementing such measures would not create an undue hardship for the individual business: (1) designating with signage, tape, or by other means at least six (6) feet spacing requirements for customers and employees in line to maintain appropriate distance; (2) having hand sanitizer or sanitizing products readily available for employees and customers; (3) implement separate operating hours for elderly and vulnerable customers; (4) provide an alternative means of purchasing and delivering products and services, to include online or telephone orders and curbside or off-site deliveries provided, however, no business is required to implement an online ordering platform or provide direct delivery service where they do not currently

offer such services; (5) make regular announcements or place signage reminding customers and employees of social distancing measures; and (6) allow employees to wear protective masks and gloves. For purposes of this ordinance, “undue hardship” shall mean an action requiring significant difficulty or expense as it relates to the individual business, taking into account the following factors: the nature and cost of the measure at issue, the financial resources of the business, the type of operation of the business, the availability of material and supplies to implement the measure, and the impact of the measure on the operation of the business. A customer’s failure to adhere to the measures implemented by the business hereunder shall not subject the business to a violation of this ordinance.

3. City residents are strongly urged to stay in their homes except for the purposes of (a) working at or conducting business with those businesses permitted to operate under Executive Order No 2012-17 or (b) to engage in outdoor recreational activities permitted under said order. City residents are additionally strongly urged, where possible, to follow social distancing practices by which they maintain at least six (6) feet distancing from other individuals, wash hands with soap and water as frequently as possible or use hand sanitizer, cover coughs and sneezes (into the sleeve or elbow, not hands), regularly clean high-touch surfaces, and refrain from shaking hands. For the avoidance of doubt, failure to follow the advisory set forth in this Section 3 is not a violation of this ordinance.

4. A person who fails to comply with this ordinance shall be guilty of a civil infraction, punishable by a fine of not more than \$100.00. Each day of a continuing violation of this ordinance shall be considered a separate and distinct offense. In addition to the fines established by this Section 4, repeated violations of this ordinance by a person who owns, manages, operates or otherwise controls a business subject to this ordinance may, subject to all procedural protections set forth in the City Code, result in the suspension or revocation of any occupancy permit or business license issued to business where the repeated violations occurred. Repeated violations of this ordinance is additionally hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by the laws of this State. The foregoing notwithstanding, every effort shall be made to bring the business into voluntary compliance with the terms of this ordinance prior to the issuance of any citation. For the purposes of this ordinance, “person” shall be defined as any individual associated with the business who has the control or authority and the ability to enforce the social distancing requirements of the ordinance within the business, such as an owner, manager or supervisor. “Person” may also include an employee or other designee that is present at the business but does not have the title of manager, supervisor, etc. but has the control or authority and the ability to ensure that the requirements of this ordinance are met while the business is open to the public.

5. Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences, or words of this ordinance as hereby adopted shall remain in full force and effect.

6. In the event Governor Henry McMaster exercises any power enumerated under S.C. Code Ann. § 25-1-440 in a manner that conflicts with a provision of this ordinance, the conflicting portion of the ordinance shall immediately cease to have force and effect. Otherwise, this emergency ordinance shall be terminated by the issuance of another ordinance or shall automatically expire on the 61st day after enactment of this ordinance, whichever date is earlier.

DONE, RATIFIED AND PASSED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:

\_\_\_\_\_  
CITY MANAGER